

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

=====X  
BERNARD BERGERON,

Plaintiffs,

- against -

LOWE'S HOME CENTERS, INC., et al.,

Defendants.  
=====X

Case No.: 08-CV-1860

**RESPONSE TO PLAINTIFF'S  
RULE 26 (a)(1) DEMAND**

**COUNSELORS:**

**PLEASE TAKE NOTICE** that Defendant, **LOWE'S HOME CENTERS, INC., ("LOWE'S")** by its attorneys, **HODGES, WALSH & SLATER, LLP**, as and for initial disclosure pursuant to Rule 26 (a) (1) of the Federal Rules of Civil Procedure alleges as follows:

A. The following witnesses may be used to support the claims or defenses and/or cross-claims of Defendant Lowe's:

1. The Plaintiff, Bernard Bergeron;
2. Representatives of the Management Office, 8 Eliza Street, Beacon, New York including, but not limited to "Paul";
3. The Individual or Individuals who installed the gas range;
4. Any and all Individuals who services the gas range at any time;
5. Representatives of Suburban Energy Services, the Identities of whom are not presently known;
6. Dr. Roger Salisbury;
7. Sales Representatives of Lowe's;
8. Any and all individuals identified by other parties hereto in response to this section.

B. The following categories of documents may be used to support the claims or defense of Defendant Lowe's:

1. Sales receipt, attached to Plaintiff's Rule 26 (a) (1) Disclosure dated April 10, 2008;
2. Repair receipt attached to Plaintiff's Rule 26 (a) (1) Disclosure dated April 10, 2008;
3. Any and all photographs of the subject stove taken by or on behalf of any party hereto;
4. Any and all documents identified by any other party hereto.

C. Computation of all Damages:

Upon information and belief, the information necessary to respond to this demand is exclusively in the possession of the Plaintiff and/or Plaintiff's counsel.

D. Insurance Agreements:

At the time of the incident referred to in plaintiff's Complaint, Lowe's was self-insured.

Dated: White Plains, New York  
July 23, 2008

Yours, etc.

HODGES, WALSH & SLATER, LLP

By:

  
GEORGE S. HODGES (4573)

Attorneys for Defendant

**55 Church Street, Suite 211**

**White Plains, NY 10601**

**Tel: (914) 385-6000**

**Fax: (914) 385-6060**

TO:

Eleanor L. Polimeni, Esq.  
FINKELSTEIN & PARTNERS  
Attorneys for Plaintiffs  
436 Robinson Avenue  
Newburgh, New York 12550  
(845) 562-0203

LEADER & BERKON, LLP  
Attorneys for Defendant Whirlpool Corporation  
630 Third Avenue, 17<sup>th</sup> Floor  
New York, New York 10017

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF WESTCHESTER )

LAURA MALFETANO being duly sworn, deposes and says:

I am employed by the law firm of HODGES, WALSH & SLATER, LLP, counsel for Defendants in the above action and I am over the age of 18 years and I am not a party to this action. On July 23<sup>rd</sup>, 2008, I served a true copy of **RESPONSE TO PLAINTIFFS' RULE 26 (a)(1) DEMAND** by mailing same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York addressed to the last known address of all attorneys in this action, to wit:


TO:

Eleanor L. Polimeni, Esq.  
FINKELSTEIN & PARTNERS  
Attorneys for Plaintiffs  
436 Robinson Avenue  
Newburgh, New York 12550

LEADER & BERKON, LLP  
Attorneys for Defendant Whirlpool Corporation  
630 Third Avenue, 17<sup>th</sup> Floor  
New York, New York 10017

Laura Malfetano  
LAURA MALFETANO

Sworn to before me this  
23<sup>rd</sup> day of July 2008

  
Notary Public

